IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 34404 of 1997

Between:

Dalitha Kandra Fishermen Union, rep. by its General Secretary,
Mr.K.Dharmarao,S/o.Shyam Sundara Behera, aged 31 years,
Mandala Veedhi, Mettakivalasa, Amadalavalasa PO,

Srikakulam District.

..... PETITIONER

AND

1.Government of Andhra Pradesh, Department of Social Welfare

rep. by its Principal Secretary, Secretariat, Hyderabad.
2.Union of India, rep. by its Under Secretary, Ministry of Welfare,
New Delhi.
3.National Commission for SC/ST rep. by its Commissioner,
New Delhi.
4.Government of Orissa, Department of SC&ST Development and

Minorities and Backward Classes Welfare Department, rep. by its

Principal Secretary, Bhubaneshwar, Orissa State.
5.Government of Madhya Pradesh, Department of Social Welfare,

Rep. by its Principal Secretary, Bhopal, Madhya Pradesh State.
6.Government of West Bengal, Department of Social Welfare, rep.

by its Principal Secretary, Calcutta, West Bengal State.

(Cause Title of the respondents are amended as per Court Order in
W.P.M.P.No.15694 of 2003 dated 14.08.2003)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, Direction or a Writ , one in the nature of 'MANDAMUS' declaring the actions of Respondents 1 to 3 in not treating the Petitioner's union Community i.e., KANDRA people as Schedule Caste in the State of Andhra Pradesh, as arbitrary, illegal and violative of provisions of Constitution of India and consequently direct the respondents 1 to 3 to declare the 'KANDRA' community in the State of Andhra Pradesh as Schedule Caste on par with the 'KANDRA' community prevailing in the States of Orissa, Madhya Pradesh and West Bengal and further direct the respondents 1 to 3 to extend all the benefits available to Scheduled Caste to the KANDRA community living in the State of Andhra Pradesh.

Counsel for the Petitioner: MR.A.SRINIVASA SARMA

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent Nos.2&3: Mr.A.Rajasekhar Reddy, Standing Counsel for the Central Government.

Counsel for the Respondent Nos.4 to 6: None appeared.

The Court made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.34404 OF 1997

ORDER:

The petitioner/Union contends that the members of the said Union belong to KANDRA Community. They belong to Srikakulam District of Andhra Pradesh. They contend that some of the people belonging to their community are residing in Orissa State on account of the division of the combined Madras State on linguistic basis. The petitioner/Union further contends that the people of their community are recognized as Schedules Castes in Orissa State, whereas, in Andhra Pradesh, they are given only status of Backward Class.

2. The grievance of the petitioner is that despite repeated representations to all the respondents, no investigation is being made regarding the genuineness of the request of the petitioner/Union for inclusion of their Community in the list of Scheduled Caste.

3. The inclusion of a particular Community, bringing a particular Community under a reserved category is the prerogative of the Government and it has taken a decision by taking into consideration the social, economical and cultural background of the people belonging to that particular Community and necessary amendment has to be made to the Constitution for the purpose of inclusion of the Community of members of the petitioner/Union in the list of Scheduled Castes. This is a matter exclusively

under the purview of the Executive and the Legislature. The petitioner's request to issue a direction to the respondents to hold an enquiry regarding the request of the petitioner/Union for inclusion of their Community in the list of Scheduled Caste cannot be considered unless there is a statutory duty under Legislation or an obligation under any statute. This Court is not expected to issue any such direction in this regard. The petitioner/Union is at liberty to approach the concerned authorities to agitate about their right to get inclusion in the list of Scheduled Castes. In the light of the above circumstances, the Writ Petition cannot be maintained.

4. The Writ Petition is accordingly dismissed. No order as to costs.

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Dr.G.YETHIRAJULU,J

Date:14th September, 2004.

Cs/KM

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Principal Secretary, Government of Andhra Pradesh,

Department of Social Welfare, Secretariat, Hyderabad.

2.The Under Secretary, Ministry of Welfare, Union of India, New

Delhi.

3.The Commissioner, National Commission for SC/ST, New Delhi.

4.The Principal Secretary, Department of SC & ST Development and Minorities and Backward Classes Welfare Department, Government of Orissa, Bhubaneswar, Orissa State.

5.The Principal Secretary, Government of Madhya Pradesh, Department of Social Welfare, Bhopal, Madhya Pradesh state.

6.The Principal Secretary, Government of West Bengal, Department of Social Welfare, Calcutta, West Bengal State.

7. Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (O.U.T.)

8. Two C.D. copies.